

Article - Health Occupations

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§7-301.1.

(a) This section does not apply to the registration of crematory operators or issuance of permits for operating crematories under regulations adopted under § 7-205(c) of this subtitle.

(b) In addition to any other requirement for a license, permit, or registration issued under this title, an applicant for a license, permit, or registration shall:

(1) Submit to a criminal history records check in accordance with subsection (c) of this section; or

(2) Submit to the Board a criminal history records check conducted by an accredited agency approved by the Board.

(c) (1) In this subsection, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(i) A complete set of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(iii) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(3) In accordance with §§ 10-201 through 10-228 of the Criminal Procedure Article, the Central Repository shall forward to the Board and the applicant the criminal history record information of the applicant.

(4) If an applicant has made three or more unsuccessful attempts at securing legible fingerprints, the Board may accept an alternate method of a criminal

history records check as allowed by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(5) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(d) Information obtained under this section:

(1) Shall be confidential;

(2) May not be disseminated; and

(3) Shall be used only for the licensing, permitting, or registering purposes authorized by this title.

(e) (1) On receipt of the criminal history record information of an applicant required under this section, in determining whether to grant a license, permit, or registration under this title, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time that has passed since the crime;

(iv) Subsequent work history;

(v) Employment and character references; and

(vi) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license, permit, or registration under this title if the criminal history record information required under this section has not been received.

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